

**WRITTEN TESTIMONY IN OPPOSITION TO SB 2123**

Senate Judiciary Committee on Senate Bill 2123

Date of Hearing: January 25, 2023 3:00 p.m.

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This written testimony is presented in opposition to SB 2123, which is an attempt to censor books and block North Dakota residents from participating in free speech.

This section of the North Dakota Century Code is devoted to obscenity, including protecting minor children from pornography.

The removal of the term “commercial gain” in section 1 and the removal of section (2)(c) (“The above shall not be construed to include a bona fide school, college, university, museum, public library, or art gallery”) removes from the public legitimate discourse on education and art. These items are protected by the First Amendment.

This law is not targeting any particular entity, but it will affect our public libraries which are one of the only places where anyone can freely find information. Libraries are a safe haven for people to learn and should not be a place where political rhetoric and ideals determine available information. For example, my local library has a policy on “Collection Management” which considers the developmental and information needs of children and teens.<sup>1</sup> This policy includes a right of the public to object to materials and a process for resolving those objections. It also places the responsibility for determining if a book is appropriate on the parents of the child, where it should rightly land.

This proposed legislation would also affect the display of or art and teaching of art and art history. It could potentially prohibit education on historic and iconic art pieces, such as Michaelangelo (i.e., David, the Sistene Chapel), Rembrandt, Botticelli, among others. It could also affect how health and sex ed are taught in public school.

Teachers, librarians, and museum curators should not be placed in a position of criminal liability for free speech or displaying art of artistic or historical value.

The government should not be in the business in blocking access to information, limiting free speech, limiting lawful artistic portrayals, or censoring books.

Please oppose SB2123.

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<sup>1</sup> Minot Public Library Collection Management Policy  
(<https://drive.google.com/file/d/16AW7LK74PaGuWH3FAiw3MbGrGtgs6pcA/view>)